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4 **UNITED STATES DISTRICT COURT**  
5 **CENTRAL DISTRICT OF CALIFORNIA**  
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7 KERN RIDGE GROWERS, LLC,

8 Plaintiff,

9 v.

10 INTERNATIONAL JUICE  
11 CONCENTRATES, INC. et al.,

12 Defendants.

Case No. 2:12-cv-5248-ODW(JEMx)

**ORDER TO SHOW CAUSE RE  
LACK OF SERVICE OF PROCESS  
ON DEFENDANT CARLOS ORTIZ**

13 On June 15, 2012, Plaintiff Kern Ridge Growers, LLC filed a Complaint in this  
14 Court against Defendants International Juice Concentrates, Inc. and Carlos Ortiz.  
15 Plaintiff never served Ortiz with the Complaint.

16 Kern Ridge Growers filed a Motion for Service by Publication and Extension of  
17 Time to Serve Summons on Defendant Carlos Martinez on December 7, 2012. (ECF  
18 No. 9.) The Court struck the Motion on December 11, 2012 for failure to select the  
19 correct event upon e-filing the Motion. (ECF No. 10.)

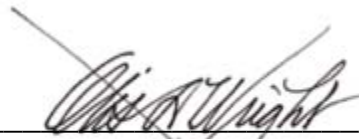
20 On December 27, 2012, Kern Ridge Growers filed an Ex Parte Application for  
21 Order Extending Time to Serve Summons and for Right to Serve Summons by  
22 Publication on Defendant Carlos Ortiz. (ECF No. 12.) The Court denied the  
23 Application on January 4, 2013, finding that Plaintiff failed to establish that it  
24 employed all reasonable diligence in attempting to personally serve Ortiz. (ECF  
25 No. 13.)

26 To date, Kern Ridge Growers has neither personally served Ortiz nor filed a  
27 motion to extend the time for service. Under Federal Rule of Civil Procedure 4(m),  
28 defendants must be served within 120 days after the complaint is filed, or else the

1 Court “must dismiss the action without prejudice.” Fed. R. Civ. P. 4(m). This action  
2 commenced on June 15, 2012—230 days ago. Accordingly, Kern Ridge Growers is  
3 hereby **ORDERED TO SHOW CAUSE** in writing no later than February 8, 2013,  
4 why Defendant Ortiz has not been timely served. Or if Defendant Ortiz has been  
5 timely served, Kern Ridge Growers has until February 8, 2013 to file the proof of  
6 service. No hearing will be held. Failure to respond will result in the dismissal of the  
7 action.

8 **IT IS SO ORDERED.**

9  
10 February 1, 2013



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11 **OTIS D. WRIGHT, II**  
12 **UNITED STATES DISTRICT JUDGE**  
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